

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

UNITED STATES OF AMERICA	§	
	§	
v.	§	CRIMINAL ACTION NO. 4:10-CR-00198-
	§	ALM-AGD
JACOB TY HARDING (1)	§	

**REPORT AND RECOMMENDATION  
OF UNITED STATES MAGISTRATE JUDGE**

Now before the court is the request for revocation of Defendant Jacob Ty Harding's ("Defendant") supervised release. After the District Judge referred the matter to this court for a report and recommendation, the court conducted a hearing on April 15, 2024, to determine whether Defendant violated his supervised release. Defendant was represented by Douglas Schopmeyer of the Federal Public Defender's Office. The Government was represented by Heather Rattan.

Defendant was sentenced on November 16, 2011, before The Honorable Richard A. Schell after pleading guilty to the offense of Felon in Possession of a Firearm in Furtherance of a Drug Trafficking Crime, a Class A felony. This offense carried a statutory maximum imprisonment term of Life. The guideline imprisonment range, based on a total offense level of N/A and a criminal history category of III, was 60 months. Defendant was subsequently sentenced to 60 months imprisonment followed by a five-year term of supervised release subject to the standard conditions of release, plus special conditions to include financial disclosure, drug testing and treatment, mental health treatment, and a \$100.00 special assessment. On January 10, 2018, Jacob Ty Harding completed his period of imprisonment and began service of the supervision term.

On July 26, 2018, the case was transferred to The Honorable Amos L Mazzant III, U.S. District Judge for the Eastern District of Texas. Then, on May 29, 2019, the term of supervised release was revoked, and Defendant was sentenced to thirty (30) months of imprisonment followed

by a twenty-three (23) month term of supervised release subject to the standard conditions of release, plus special conditions to include financial disclosure, drug testing and treatment, mental health treatment, and a \$100.00 special assessment. Defendant began his new term of supervised release on February 29, 2024.

On March 28, 2024, the United States Probation Officer executed a Petition for Warrant or Summons for Offender Under Supervision (Dkt. #72, Sealed). The Petition asserts that Defendant violated the following condition: Mandatory Condition: Defendant must refrain from any unlawful use of a controlled substance. (Dkt. #72 at p. 1, Sealed).

The Petition alleges that Defendant committed the following acts: On March 21, 2024, Defendant submitted a urine specimen at the U.S. Probation Office, which yielded a presumptive positive result for methamphetamine and cocaine. Defendant denied any use verbally and in writing. The specimen was confirmed positive for cocaine by the national lab. Then, on March 26, 2024, Defendant submitted a urine specimen at the U.S. Probation Office which tested positive for methamphetamine and amphetamine. Defendant admitted to using methamphetamine through verbal and written admission. (Dkt. #72 at pp. 1–2, Sealed).

Prior to the Government putting on its case at the final revocation hearing, Defendant entered a plea of true to allegation #1 of the Petition. Having considered the Petition and the plea of true to allegation #1, the court finds that Defendant did violate his conditions of supervised release.

Defendant waived his right to allocute before the District Judge and his right to object to the report and recommendation of this court.

**RECOMMENDATION**

Pursuant to the Sentencing Reform Act of 1984, the court recommends that Defendant's supervised release be revoked and that he be committed to the custody of the Bureau of Prisons to be imprisoned for an additional term of imprisonment of fourteen (14) months, with no term of supervised release to follow.

The court also recommends that Defendant be housed in the Bureau of Prisons facility in Fort Worth, Texas, if appropriate.

**SIGNED this 31st day of May, 2024.**

  
AILEEN GOLDMAN DURRETT  
UNITED STATES MAGISTRATE JUDGE